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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,538	11/14/2003	Roberto Bez	2110-62-3	7956
7590 08/10/2005			EXAMINER	
GRAYBEAL JACKSON HALEY LLP			SMITH, BRADLEY	
Suite. 350			ART UNIT	
155-108th Avenue N.E.			PAPER NUMBER	
Bellevue, WA 98004-5973			2891	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/713,538

Applicant(s)

BEZ ET AL.

Examiner

Bradley K. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-18, 41-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 and 24-39 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/10/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 2/10/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Specifically the european search report is not in the file.

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- BKS*  
*8/5/05*
1. Claims 19-22, <sup>24-39</sup>~~24-36 and 39~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US Pregrant Publication 2003/0153148). Chang et al. disclose a semiconductor body having a substrate (200), and a plurality of insulation structures (208a) delimiting active areas and having respective portions projecting from said substrate, wherein said insulation structures have respective recesses, which accommodate at least partially conductive regions (figure 8a). With regards to claim 20, Chang et al. disclose the recesses are defined laterally with respect to respective projecting portions of said insulation structures (see figure 4). With regards to claim 21, Chang et al. disclose the conductive regions comprise terminals of memory cells arranged on top of respective said active areas and extending laterally inside at least

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one of said recesses (figure 8). With regards to claim 22, Chang et al. disclose the recesses are defined centrally with respect to respective said projecting portions of said insulation structures (figure 8). With regards to claims 24, 25 37, 38, Chang et al. inherently discloses a resistor and a first plate of a capacitor. Polysilicon has inherent resistance and one of ordinary skill in the art would take this fact into account when designing circuitry. Polysilicon is also a conductor therefore it could inherently be a first plate of a capacitor. With regards to claims 26 and 34, Chang et al. disclose a substrate having an active region', first and second insulators (202) disposed adjacent to the active region (204) and defining a recess over a portion of the active region and over a portion of one of the insulators and a first conductor disposed in the recess (210a) (see figure 8). With regards to claims 27 and 35, Chang et al. disclose first and second insulator projections define the recess (206) (see figure 4). With regards to claims 28 and 36, Chang et al. disclose first and second trenches disposed in the substrate, and wherein the first and second insulators are respectively disposed in the first and second trenches (see figure 8). With regards to claim 29, Chang et al. disclose the first and second insulators define the recess over respective portions of both the first and second insulators (see figure 8). With regards to claim 30, Chang et al. disclose a third insulator (202) over the active part of the substrate (see figure 8). With regards to claim 31 and 32, Chang et al. disclose the conductor (204) is a floating gate and is part of a memory cell (see figure 8). With regards to claim 33 and 39, Chang et al. disclose a third insulator (214) disposed on the first conductor, and a second conductor (216) disposed on the third insulator and overlapping the first conductor (see figure 8).

***Response to Arguments***

2. Applicant's arguments filed 5/5/05 have been fully considered but they are not persuasive. The conductive region 216 is accommodated by the recess (see figure 8).

***Allowable Subject Matter***

3. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest the conductive regions are entirely accommodated within the recesses.

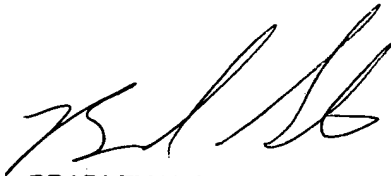
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley K. Smith whose telephone number is (571) 272-1884. The examiner can normally be reached on 10-6 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Baumeister can be reached on (571) 272-1722. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. K. Smith', is positioned above the printed name.

**BRADLEY K. SMITH**  
**PRIMARY EXAMINER**